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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/536,776   | 05/26/2005  | Francesco Favagrossa | 1011-734            | 2858             |
| 47888 7590 09/22/2008<br>HEDMAN & COSTIGAN P.C.<br>1185 AVENUE OF THE AMERICAS<br>NEW YORK, NY 10036 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| GUIDOTTI, LAURA COLE   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 3723   |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/536,776

**Applicant(s)**

FAVAGROSSA, FRANCESCO

**Examiner**

Laura C. Guidotti

**Art Unit**

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CI/CD)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 05262005

## DETAILED ACTION

### *Drawings*

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adjoining strips of band elements having different colors defining a perfect epicycloidal color pattern (claim 3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Vorbach, DE 19907441 A1 (see also computer generated English translation of the description).

Vorbach discloses the claimed invention including a cylindric body having a central longitudinal axis and a side cylindric outer surface (WK, see Figures), on the cylindric outer surface there are defined a plurality of separated adjoining diagonal seats (BN, Figure 8, page 3 of English translation) having a length smaller than the diameter of the cylindric body (Figures 6, 8), each of the separated seats are inclined with respect to the central longitudinal axis (as they are part of BS, see Figures 6, 8), and that with

the cylindric body in a vertical and non driven condition each band element is capable of falling so as to overlap and adjoining like band element (as the band element Enn can be felt or fleece, page 2 of English translation).

4. Claims 1-2 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 2002-316622.

JP 2002-316622 discloses the claimed invention including a cylindric body having a central longitudinal axis and a side cylindric outer surface (2, see Figures), on the cylindric outer surface there are defined a plurality of separated adjoining diagonal seats (each seat is the region having reference number 10 in Figure 3, they are separated and adjoining each other as shown) having a length smaller than the diameter of the cylindric body (see Figure 3), each of the separated seats are inclined with respect to the central longitudinal axis (Figures 2-3), and that with the cylindric body in a vertical and non driven condition each band element is capable of falling so as to overlap and adjoining like band element (Figure 1). Regarding claim 2, each band element (3) comprises an elongated substantially rectangular flat body (Figure 4) having an end portion thereof fixedly restrained in a seat of the cylindric body (upper and lowermost central ends at reference numeral 3h), each band element being longitudinally slit or cut (at S) to define a plurality of adjoining substantially flat and parallel cleaning bristles (4), the bristles having different lengths (B1 and B2, Figure 4; see also Figure 2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vorbach, DE 19907441 A1 in view of DE 201 14 359 U1 (see also WO 03/018375 A1 which is in the patent family and includes an English translation of the Abstract).

Vorbach discloses all elements previously mentioned above, however does not include that the adjoining strips of the band element have different colors that define a perfect epicycloidal color pattern.

DE 201 14 359 U1 teaches a car wash brush having adjoining strips of band elements that have different colors so that when the washing brush is rotated, a colored pattern occurs to provide an interesting optical effect (see Figures, English translation of the Abstract).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the adjoining strips of band elements of Vorbach to have different colors forming a color pattern, as DE 201 14 359 U1 teaches, in order to provide an aesthetically interesting pattern as the brush rotates.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-316622 in view of DE 201 14 359 U1 (see also WO 03/018375 A1 which is in the patent family and includes an English translation of the Abstract).

JP 2002-316622 discloses all elements previously mentioned above, however does not include that the adjoining strips of the band element have different colors that define a perfect epicycloidal color pattern.

DE 201 14 359 U1 teaches a car wash brush having adjoining strips of band elements that have different colors so that when the washing brush is rotated, a colored pattern occurs to provide an interesting optical effect (see Figures, English translation of the Abstract).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the adjoining strips of band elements of JP 2002-316622 to have different colors forming a color pattern, as DE 201 14 359 U1 teaches, in order to provide an aesthetically interesting pattern as the brush rotates.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,035,482 to Belanger et al. teaches strips of band elements for a rotary car wash brush that may vary in color for aesthetics.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Guidotti/  
Primary Examiner, Art Unit 3723

lcg